JOHNSON et al. - 10/076,099 - Atty. Dkt. No. 071469/0273243

REMARKS

Claims 1-6 and 8-27 are pending in the present Application. No claims have been added, cancelled or amended hereby.

Applicants gratefully acknowledge the Examiner's indication that claims 1-6, and 8-18 are allowed and that claims 21-27 would be allowable if rewritten in independent form.

Claims 19 and 20 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Ohara et al. (U.S. Patent No. 6,277,756) in view of Otsubu et al. (U.S. Pat. No. 4,808,258). Applicants respectfully traverse this rejection for at least the following reasons.

Ohara et al. has a U.S. filing date of February 10, 2000, while the present application claims priority to U.S. Provisional Application Serial No. 60/149,177, which has a filing date of August 17, 1999. Therefore, the effective priority date of the present application is August 17, 1999, well before the U.S. filing date of Ohara et al. As such, the Ohara et al. patent is not prior art under § 102. Consequently, the rejection of claims 19 and 20 under § 103 is improper because the Examiner may not rely on Ohara et al.

Therefore, Applicants respectfully request that the rejection of claims 19 and 20 under § 103(a) over Ohara et al. be withdrawn.

In view of the foregoing, the claims are now in form for allowance, and such action is hereby solicited. If any point remains in issue which the Examiner feels may be best resolved through a personal or telephone interview, he is kindly requested to contact the undersigned at the telephone number listed below.

All objections and rejections having been addressed, it is respectfully submitted that the present application is in a condition for allowance and a Notice to that effect is earnestly solicited.

Respectfully Submitted,

PILLSBURY WINTHROP LLP

Jeffey D. Karceski Reg. No.: 35,914

Tel. No.: (703) 905-2110 Fax No.: (703) 905-2500

JDK/KG

Customer No.: 00909 P.O. Box 10500 McLean, VA 22102 (703) 905-2000